

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-219228  
B-220318

DATE: December 18, 1985

MATTER OF: James R. Kopidlansky et al. - Effective  
Date of Relocation Income Tax Allowance

## DIGEST:

Employees of Internal Revenue Service seek payment of relocation income tax allowance for their transfers which were effective prior to November 14, 1983. Claims are denied since the tax allowance authorized by section 118 of Public Law 98-151 is available only to employees whose effective date of transfer is on or after November 14, 1983. Contrary statement made by congressional sponsors after enactment of the legislation is not sufficient to show that implementing regulations establishing the effective date are improper.

## ISSUE

The issue in these two requests for decision is the same--what is the effective date for employee coverage under the Relocation Income Tax Allowance as provided under section 118 of Public Law 98-151, November 14, 1983. We hold that, despite a statement to the contrary by congressional sponsors after enactment, the allowance applies only to employees reporting to their new duty stations on or after November 14, 1983.

## BACKGROUND

This decision is in response to two requests from the Internal Revenue Service (IRS). One request is from Mr. Larry W. Faulkner, Chief, Accounting Section, Southwest Region of the IRS, concerning the claim of James R. Kopidlansky, who transferred from Chicago, Illinois, to Oklahoma City, Oklahoma, and reported for duty on August 16, 1982. Mr. Kopidlansky did not sell his old residence until May 1983, and he was reimbursed for his relocation expenses in July 1983.

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B-219228  
B-220318

The second request is from Charles Margolis, Regional Commissioner, North-Atlantic Region of the IRS, concerning four employees<sup>1/</sup> who transferred to new duty stations and reported for duty on various dates between January and July 1983. These employees were reimbursed for their relocation expenses in 1983.

The dispute in these two cases involves the effective date of the relocation act amendments contained in section 118 of Public Law 98-151, November 14, 1983. These amendments in section 118 made several changes in the relocation statutes including a higher weight allowance for household goods and a newly-authorized allowance for the income taxes incurred by an employee incident to reimbursement for relocation expenses. By regulation, the General Services Administration (GSA) determined that the effective date for implementation of these statutory amendments would be November 14, 1983; that is, the amendments apply to employees who reported for duty at their new duty stations on or after November 14, 1983. Federal Travel Regulations (FTR), Supp. 10 (March 13, 1984), Supp. 11 (August 27, 1984), and Supp. 14 (April 19, 1985), incorp. by ref., 41 C.F.R. § 101-7.003 (1983). However, the employees in these two cases point to a statement issued by two congressional sponsors of these amendments which indicates an intent to have the income tax allowance apply to all relocation reimbursements in tax year 1983.

#### OPINION

We have recently held in two decisions that the effective date for implementation of the relocation act amendments under section 118 of Public Law 98-151 is November 14, 1983, despite a statement of congressional intent to the contrary.

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| <u>1/</u> | <u>Name</u>       | <u>Reporting Date</u> |
|-----------|-------------------|-----------------------|
|           | John D. Johnson   | January 3, 1983       |
|           | Ronald J. Lambert | April 18, 1983        |
|           | Richard F. Moran  | July 25, 1983         |
|           | Joyce Weitz       | April 4, 1983         |

B-219228  
B-220318

In Jack G. Petrie, B-216542, June 11, 1985, we held that the employee was limited to the statutory maximums for weight of his household goods and sale of his old residence in effect on the effective date of his transfer in 1982 and that he was not entitled to higher claims which were within the higher limitations authorized by section 118 of Public Law 98-151. We pointed out that GSA, the agency authorized to issue implementing regulations, had clearly specified the effective date of the section 118 amendments as November 14, 1983.


We also considered in Petrie the statement of two of the congressional sponsors of section 118 to the Administrator of General Services that the increases in section 118 apply to employees who on or after November 14, 1983, were undergoing a relocation or were continuing to incur costs associated with a relocation. However, we held in Petrie that the decision by GSA to select an implementation date was not arbitrary or contrary to the statutory purpose of these amendments, despite a contrary statement made by congressional sponsors after the date of enactment of this legislation. Similarly, we held in George D. Sack, B-217095, November 29, 1985, that the employee was limited to the maximum household goods weight in effect on the date of his transfer. We again considered the statement of two congressional sponsors of section 118, but we held in Sack that this contrary statement was not sufficient to show that the implementing regulations were improper. See also George Boeringa, B-219263, September 17, 1985, 64 Comp. Gen. \_\_\_\_\_, dealing with the effective date of relocation service contracts authorized under section 118 of Public Law 98-151.

In view of these prior decisions, we find no basis to apply a different rule with respect to relocation income tax allowances provided under section 118. The GSA implementing regulations contained in FTR Supp. 14 clearly state that the effective date for this allowance is for employees whose effective date of transfer is on or after November 14, 1983. See 50 Fed. Reg. 15702 (1985).

B-219228  
B-220318

The contrary statement of two congressional sponsors made after enactment of this legislation is not sufficient to overturn this determination by GSA.

Accordingly, we hold that the claims of these IRS employees for the relocation income tax allowance may not be paid since each employee's effective date of transfer was prior to the effective date for this allowance specified in the Federal Travel Regulations.

  
Acting Comptroller General  
of the United States